

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SPIDER LABS, LTD.,

Plaintiff,

- Against -

JOHN DOE,

Defendant.

Civil Action No. 20-CV-05457-LAP

**MOTION FOR EXTENSION OF
TIME TO SERVE SUMMONS AND
COMPLAINT**

Plaintiff Spider Labs, Ltd. (“Spider Labs” or “Plaintiff”), by and through its attorneys of record, moves pursuant to Fed. R. Civ. P. 4(m) for an extension of time of ninety (90) days to serve the Summons and Complaint in the above-captioned matter. In support of its request, Plaintiff states as follows:

1. Plaintiff filed its Complaint and Jury Demand on July 16, 2020.
2. Pursuant to Fed. R. Civ. P. 4, the current deadline for Plaintiff to serve the Summons and Complaint is October 14, 2020.
3. To date, Plaintiff has not been able to formally serve the Defendant with the Summons and Complaint because it does not know the Defendant’s identity.
4. In an effort to determine Defendant’s identity, Plaintiff filed an Emergency Motion for Limited Expedited Discovery (the “Motion for Discovery”) on July 16, 2020.

5. On July 20, 2020, the Court granted the Motion for Discovery and authorized Plaintiff to serve subpoenas pursuant to Fed. R. Civ. P. 45 seeking information regarding the identity of Defendant. [Dkt. No. 7.]

6. On July 23, 2020, in accordance with the Court's ruling, Plaintiff served four subpoenas pursuant to Fed. R. Civ. P. 45 on Google, LLC; Charter Communications, Inc.; GoDaddy.com LLC; and LinkedIn Corporation (the "Subpoenas").

7. On August 13, 2020, prior to the return date for the Subpoenas, counsel for Movant John Doe simultaneously filed three motions in three separate courts (the United States District Court for the Northern District of California, the United States District Court for the District of Arizona, and the United States District Court for the District of Colorado) seeking to quash the Subpoenas (the "Motions to Quash").

8. After conferring, counsel for Plaintiff and Movant John Doe agreed on a stipulated briefing schedule for all of the Motions to Quash (the "Stipulated Briefing Schedule") and jointly requested that each Court in which a Motion to Quash was pending enter the briefing schedule.

9. Each Court in which a Motion to Quash was pending entered the Stipulated Briefing Schedule.

10. In accordance with the Stipulated Briefing Schedule, briefing was completed on each of the Motions to Quash on or before October 13, 2020.

11. Each of the fully-briefed Motions to Quash remain pending.

12. If Plaintiff prevails and defeats one or more of the Motions to Quash, Plaintiff will promptly seek to enforce its Subpoenas and to obtain the information it needs to determine the identity of Defendant.

13. Once Plaintiff has identified Defendant, it intends to move promptly to effectuate service of process of the Summons and Complaint on Defendant.

14. An extension of ninety (90) days of the deadline for Plaintiff to serve the Summons and Complaint on Defendant will allow Plaintiff time to resolve the Motions to Quash and to obtain the information that it needs to determine the identity of Defendant.

15. Plaintiff has worked diligently to determine the identity of Defendant, including by seeking leave to conduct expedited discovery, promptly serving subpoenas pursuant to Fed. R. Civ. P. 45, and efficiently completing briefing on Movant John Doe's Motions to Quash.

16. Accordingly, good cause exists for this Court to grant pursuant to Fed. R. Civ. P. 4(m) a ninety (90) day extension of time to serve the Summons and Complaint, to and including January 12, 2021.

WHEREFORE, Plaintiff Spider Labs, Ltd. respectfully requests that this Court enter an Order granting it up to and including January 12, 2021 to serve the Summons and Complaint.

Respectfully submitted this 14th day of October, 2020.

KUTAK ROCK LLP

s/ Chad T. Nitta

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that on this 14th day of October, 2020, I electronically filed the foregoing **MOTION FOR EXTENSION OF TIME TO SERVE SUMMONS AND COMPLAINT** with the Clerk of Court using the CM/ECF system which will send notification of such filing to the following e-mail addresses:

N/A

and I hereby certify that I have mailed or served the document or paper to the following non CM/ECF participants in the manner (mail, hand-delivery, etc.) indicated by the non-participant's name:

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